

INTERNATIONAL TRADE REGULATION

Volume III

2004/2005

**Professor Michael Trebilcock
and
Professor Andrew Green**

**Faculty of Law
University of Toronto**

BORA LASKIN LAW LIBRARY

AUG 17 2004

FACULTY OF LAW
UNIVERSITY OF TORONTO

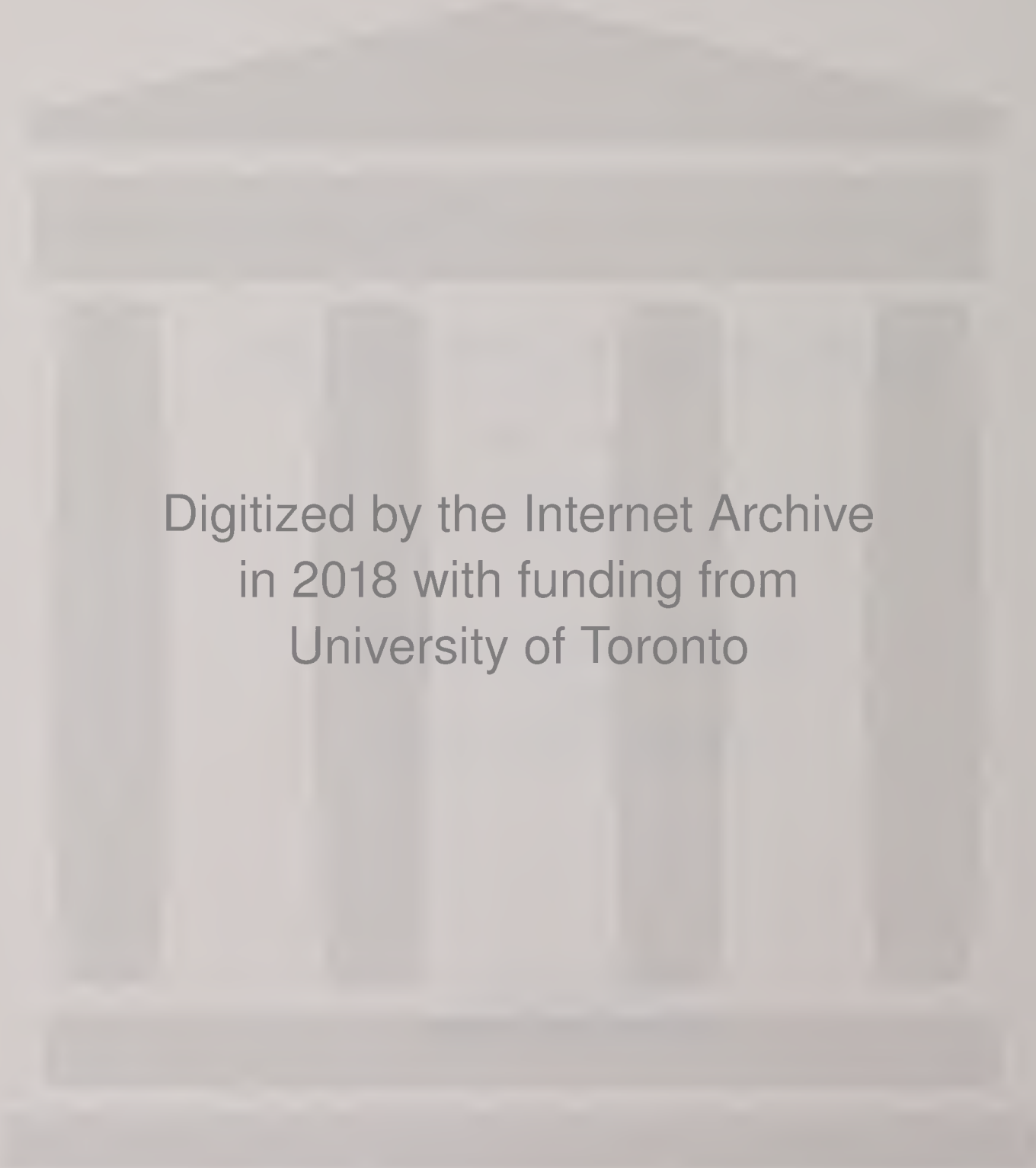
INTERNATIONAL TRADE REGULATION

Volume III

2004/2005

**Professor Michael Trebilcock
and
Professor Andrew Green**

**Faculty of Law
University of Toronto**



Digitized by the Internet Archive
in 2018 with funding from
University of Toronto

https://archive.org/details/internationaltra03treb_3

International Trade Regulation

2004/2005

Professor Michael Trebilcock

Professor Andrew Green

TABLE OF CONTENTS

1) The Evolution of Trade Theory and Policy

Michael J. Trebilcock and Robert Howse, *Regulation of International Trade*, 3rd ed., (London and New York: Routledge, 2004), Chapter 1

Dani Rodrik, "Sense and Nonsense in the Globalization Debate," (Summer 1997) *Foreign Policy* 19 1-1

Chapter 25, "Who is 'Us'?" in R. Reich, *The Work of Nations* (New York: Vintage, 1991) 1-9

Paul Krugman, "Competitiveness: A Dangerous Obsession," (1994) 73 (2) *Foreign Affairs* 28 1-17

Michael J. Trebilcock, "Post Seattle Reflections: A Qualified Defense of the International Rule of Law," in Norman Dorsen and Prosser Gifford (eds.), *Democracy and the Rule of Law* (2001) 319 1-22

Jeffrey G. Williamson, "Winners and Losers over Two Centuries of Globalization," (2002) WIDER Annual Lecture 6, United Nations University World Institute for Development Economics Research (UNU/WIDER) 1-28

Michael Hart, *A Trading Nation*, (Vancouver and Toronto: UBC Press, 2002), Chapter 16 1-78

2) Overview of the GATT/WTO and NAFTA

Trebilcock and Howse, Chapter 1

Debra Steger, "The World Trade Organization: A New Constitution for the Trading System," in Marco Bronckers and Reinhard Quick (eds.), *New Directions in International Economic Law* (The Hague/London/Boston: Kluwer Law International) 2-1

Economist, "The Doha Round: The WTO Under Fire," *The Economist* (20 Sept. 2003): 26-29 2-21

WTO-Ministerial Declaration initiating Doha Round, 14 Nov. 2001 2-24

3) Dispute Settlement and Treaty Interpretation

Trebilcock and Howse, Chapter 4

Kara Leitner and Simon Lester, "WTO Dispute Settlement 1995-2003: A Statistical Analysis," *Journal of International Economic Law* 7 (2004): 169-181 3-1

WTO, "Understanding on Rules and Procedures Governing the Settlement of Disputes," in *The WTO Dispute Settlement Procedures* (Geneva: World Trade Organization, August 1995) 3-14

"Is the WTO Dispute Settlement System Responsive to the Needs of Traders?" (1998) *J. World T.* 147 3-34

David Palmetier, "The Need for Due Process in WTO Proceedings," (1998) *J. World T.* 147 3-44

Debra Steger, "The Appellate Body and its Contribution to the WTO Dispute Settlement," (Minneapolis: The Political Economy of International Trade Law, University of Minnesota Law School, September 2000) 3-48

Debra Steger and S. Hainsworth, "New Directions in International Trade Law: WTO Dispute Settlement," in James Cameron and Nicholas May (eds.), *Dispute Settlement in the WTO* (1998) 3-66

4) Non-Discrimination: The Most Favoured Nation Principle

Trebilcock and Howse, Chapter 2

Michael J. Trebilcock and Michelle Grando, "Interpretation and Application of the Most-Favoured Nation Principle," forthcoming 4-1

Raj Bhala, "The Bananas War," (2000) *McGeorge Law Review, University of the Pacific* 31(4), 843-971 4-72

5) Non-Discrimination: The National Treatment Principle

Trebilcock and Howse, Chapter 3

Michael J. Trebilcock and Shiva K. Giri, "The National Treatment Principle in International Trade Law," forthcoming 5-1

6) Anti-Dumping Laws

Trebilcock and Howse, Chapter 8

Jorge Miranda, "Should Anti-Dumping Laws be Dumped?" (1996) 28 <i>Law and Policy International Business</i> 255	6-1
Alan Sykes, "The Economics of 'Injury' in Anti-Dumping and Countervailing Duty Cases," in J.S. Bhandari and A.O. Sykes (eds.), <i>Economic Dimensions in International Law: Comparative and Empirical Perspectives</i> (Cambridge: Cambridge University Press, 1997) 126	6-11
Ronald Cass and Michael Knoll, "The Economics of 'Injury' in Anti-Dumping and Countervailing Duty Cases: A Reply to Professor Sykes," in J.S. Bhandari and A.O. Sykes (eds.), <i>Economic Dimensions in International Law: Comparative and Empirical Perspectives</i> (Cambridge: Cambridge University Press, 1997) 126	6-22
<i>WTO-United States – Anti-Dumping Act of 1916</i> , Report of the Appellate Body (2000)	6-30
Debra Steger, "Appellate Body Jurisprudence Relating to Trade Remedies," forthcoming in <i>Journal of World Trade Law</i> (2001)	6-54
7) Subsidies and Countervailing Duties	
Trebilcock and Howse, Chapter 9	
Robert Howse, "Settling Trade Remedy Disputes: When the WTO Forum is Better than the NAFTA," C.D. Howe Institute Commentary (1998)	7-1
<i>Certain Softwood Lumber Products from Canada</i> , Decision of the Binational Panel of Remand (1993)	7-14
<i>Certain Softwood Lumber Products from Canada</i> , Extraordinary Challenge Committee (1994), views of Dissenting Member Wilkey	7-33
Michael J. Trebilcock, "Brazil-Canada Aircraft Subsidies in Dispute: The Definition of Export Subsidies and Remedies," <i>Canadian Competition Record</i> 20(2) (Fall 2000) 32	7-38
8) Safeguards and Adjustment Assistance	
Trebilcock and Howse, Chapter 10	
Alan Sykes, "The Persistent Puzzles of Safeguards: Lessons from the Steel Dispute," (May 2004) <i>U Chicago Law & Economics</i> , Olin Working Paper No. 224	8-1
<i>WTO-United States – Safeguard Measures on Imports of Fresh, Chilled, and Frozen Lamb Meat from New Zealand and Australia</i> , Report of the Appellate Body (2001)	8-60

<i>WTO-United States – Definitive Safeguard Measures on Imports of Wheat Gluten from the European Communities</i> , Report of the Appellate Body (2000)	8-114
Michael J. Trebilcock, “International Trade and International Labour Standards: Choosing Objectives, Instruments, and Institutions,” in Stefan Grillier (ed.), <i>International Economic Governance and Non-Economic Concerns</i> (Vienna/New York: Springer-Verlag, 2003) 289	8-153
9) Trade in Services	
Trebilcock and Howse, Chapter 12	
WTO, <i>GATS — Fact and Fiction</i> (2001), a booklet published by the WTO Secretariat	9-1
<i>WTO-European Communities – Regime for the Importation, Sale, and Distribution of Bananas</i> , Report of the Appellate Body (1997)	9-18
<i>WTO-Canada – Certain Measures Affecting the Automotive Industry</i> , Report of the Appellate Body (2000)	9-41
10) Trade-Related Intellectual Property Rights	
Trebilcock and Howse, Chapter 13	
<i>WTO-Canada – Term of Patent Protection</i> , Report of the Appellate Body (2000)	10-1
<i>WTO-Canada – Patent Protection of Pharmaceutical Products</i> , Report of Panel (2000)	10-17
WTO – “Declaration on the TRIPS Agreement and Public Health,” Ministerial Declaration, WT/MIN (01)/DEC/W/2, 14 November 2001	10-47
WTO – “Implementation of paragraph 6 of the Doha Declaration on the TRIPS Agreement and public health,” Decision of the General Council, WT/L/540, 8/30/2003	10-49
Alan Sykes, “TRIPS, Pharmaceuticals, Developing Countries and the Doha ‘Solution,’” <i>Chicago Journal of International Law</i> 3 (2002): 47-68	10-54
United Nations – <i>Economic, Social and Cultural Rights: The Impact of the Agreement on Trade Related Aspects of Intellectual Property Rights on Human Rights</i> , Report of the High Commissioner, UN Commission on Human Rights (June 2001)	10-66

11) Trade-Related Investment Measures (TRIMS)

Trebilcock and Howse, Chapter 14

Stephen Clarkson, "Systemic or Surgical? Possible Cures for NAFTA's Investor-State Dispute Process," *Canadian Business Law Journal* 36 (2002): 368-87 11-1

Julie Soloway and Jeremy Broadhurst, "What's in the Medicine Chest for Chapter 11's Ills?" *Canadian Business Law Journal* 36 (2002): 388-404 11-11

Chris Tollefson, "Games Without Frontiers: Investor Claims and Citizen Submissions under the NAFTA Regime," *The Yale Journal of International Law* 27(1) (Winter 2002): 141 11-19

12) Trade and Environmental Standards

Trebilcock and Howse, Chapter 16

WTO-United States – Import Prohibition of Certain Shrimp and Shrimp Products, Report of the Appellate Body (1998) 12-1

WTO-United States – Import Prohibition of Certain Shrimp and Shrimp Products, Recourse to Article 21.5 of the DSU by Malaysia (2002) 12-45

WTO-European Communities – Measures Affecting Asbestos and Asbestos-Containing Products, Report of the Appellate Body (2000) 12-98

13) Agriculture and Sanitary and Phytosanitary Measures

Trebilcock and Howse, Chapter 11

Michael Trebilcock and Julie Soloway, "International Trade Policy and Domestic Food Safety Regulation: The Case for Substantial Deference by the WTO Dispute Settlement Body Under the SPS Agreement," in Daniel L.M. Kennedy and James D. Southwick (eds.), *The Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec* (Cambridge: Cambridge University Press, 2002) 537-74 13-1

Daniel A. Farber, "The Case Against Clarity," in Daniel L.M. Kennedy and James D. Southwick (eds.), *The Political Economy of International Trade Law: Essays in Honor of Robert E. Hudec* (Cambridge: Cambridge University Press, 2002) 575-82 13-21

NAFTA – Tariffs Applied by Canada to US-Origin Agricultural Products, Final Report of the Panel (1996) 13-26

<i>WTO-EC Measures Concerning Meat and Meat Products (Hormones)</i> , Report of the Appellate Body (1997)	13-51
14) Trade and Developing Countries and Human Rights	
United Nations Development Programme, <i>Making Global Trade Work for People</i> , (London and Sterling, VA: Earthscan, 2003) 21-104	14-1
<i>WTO -- European Communities – Conditions for the granting of Tariff Preferences to Developing Countries</i> , Report of the Appellate Body (2004) [EU-India dispute]	14-85
Alan Sykes, “International Trade and Human Rights: An Economic Perspective,” (May 2003) <i>U Chicago Law & Economics</i> , Olin Working Paper No. 187	14-126
Sarah Cleveland, “Human Rights Sanctions and International Trade: A Theory of Compatibility,” <i>Journal of International Economic Law</i> 5(1) (2002): 133-189	14-159